



ASSOCIATION OF AMERICAN RAILROADS

Law Department
Dennis J. Starks
Senior Commerce Counsel

November 10, 2004

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte Communication* - - WT Docket No. 03-103

Dear Ms. Dortch:

In WT Docket No. 03-103, the Commission is considering proposals to reform its rules governing Air-To-Ground (ATG) radio communications in the 849-851 and 894-896 MHz bands. The Association of American Railroads (AAR) strongly urges the Commission to make certain that new reforms include provisions insulating adjacent bands utilized by critical infrastructure-public safety licensees, such as the Nation's railroads, from harmful interference. To that extent, AAR supports the written *Ex Parte* comments filed recently in this proceeding by CTIA-The Wireless Association and APCO International.

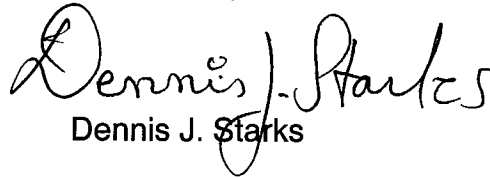
AAR, a voluntary non-profit organization composed of railroad companies operating in the United States and Canada, represents its members in connection with regulatory matters of concern to the railroad industry, including matters relating to communications and access to radio frequency spectrum. Radio communications systems are a vital component of the railroad industry's operations. As such, AAR members have a strong interest in this proceeding, arising from the railroads' use of adjacent frequencies in the 900 MHz band.

Specifically, the Nation's railroads occupy six channel pairs in the 900 MHz band to operate a railroad communication system ("Advanced Train Control System"), using radio data transmissions to assist railroad personnel in controlling train movement and

route alignment¹. The preservation of this innovative railroad communication system's integrity has been deemed so vital by this Commission, that in 2001 it granted the AAR's request to convert hundreds of individual station licenses operating on these 900 MHz channels at rail locations throughout the United States, into a single nationwide geographic "ribbon" license. See *In Re Petition of Association of American Railroad for Modification of Licenses For Use in Advanced Train Control Systems and Positive Train Control Systems*, DA 01-359, released February 15, 2001. Indeed, as one Federal Agency has opined, the railroad industry's 900 MHz channel pairs constitute an extremely important component of the North American railroads' communications safety infrastructure. See *Comments of United States Department of Transportation*, filed March 18, 2002, in this Commission's proceeding on the Report of the National Telecommunications and Information Administration ("NITA") entitled "*Current and Future Spectrum Use by the Energy, Water, and Railroad Industries*."²

Given the close proximity of the radio frequencies under review in WT Docket No. 03-103 to the radio frequencies used by the railroad industry for the critical safety operations described above, the AAR respectfully request that this Commission not reach a final determination regarding reforms to ATG radio communications in the 849-851/894-896 MHz bands without first developing a record confirming that such reforms will not result in interfere, now or in the future, with railroad critical public safety operations on adjacent channels.

Respectfully submitted,


Dennis J. Starks

¹ The six frequency pairs are 896.8875/935.8875 MHz; 896.9375/935.9375 MHz; 896.9875/935.9875 MHz; 897.8875/936.8875 MHz; 897.9375/936.9375 MHz; and 897.9875/936.9875 MHz. In Section 90.613 of the Commission's rules, these frequencies are otherwise known as channels 71, 75, 79, 151, 155 and 159.

² NTIA Special Publication No. 01-49, January 2002.